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Sent: 4/10/2020 7:46:52 PM
To: Marty Haroldson [mharolds@nd.gov]; Joynt, Emily K. [eJoynt@nd.gov]
CC: Tien, Alysia [Tien.Alysia@epa.gov]
Subject: EPA Public Notice Comments -- Marathon Corporation-Dickinson Refinery, NDP-026689

Hello Emily and Marty,

Thank you for the opportunity to comment on the modification of the Marathon Corporation-Dickinson Refinery (Marathon) statement of basis and permit # NDP-026689 currently in public notice. The Marathon permit was renewed on October 1, 2019 and included a phenol permit loading or limit of 0.6 lbs/day. The renewed permit also included a compliance schedule for phenol to:

- Identify treatment solutions for phenolics by December 31, 2019
- Submit final phenolics treatment plant by March 31, 2020
- Implement phenolics treatment within treatment system – to be determined by this permit cycle.

According to the public noticed statement of basis, the refinery has determined that the treatment method for its effluent phenolics relies on removal of increased phenolic compounds at the POTW. The City of Dickinson determined that a maximum phenol loading of 2.4 lbs/day would be an allowable load for the POTW. As a result, the permit was modified to increase the phenol limit for Marathon from 0.6 lbs/day to 2.4 lbs/day.

The EPA reviewed the statement of basis and permit modifications and has the following comments:

1. The Pretreatment Regulations at 40 C.F.R. § 403.5(c)(2) state; *“When Specific Limits must be developed by POTWs. All other POTW's shall, in cases where pollutants contributed by User(s) result in Interference or Pass-Through, and such violation is likely to recur, develop and enforce specific effluent limits for Industrial User(s), and all other users, as appropriate, which, together with appropriate changes in the POTW Treatment Plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices.”*
 - a. What methods or calculations did the City use to determine that an increased phenol loading of 2.4 lbs/day was an allowable load for the POTW?
 - b. According to the modified statement of basis, the North Dakota Department of Environmental Quality (ND DEQ) evaluated data to confirm that an increase of phenol to 2.4 lbs/day was an allowable loading. Based on the EPA's review, the record is not clear regarding the quantifiable data evaluated or calculations used to develop the phenol loading limit. The EPA recommends the ND DEQ include a summary of the data evaluated and the calculations used for the increased phenol loading.
 - i. Was the increased phenol loading limit determined using local limits calculations to ensure the increased phenol loading does not cause or contribute to interference or pass-through? For example, was a service area evaluation completed to determine if other controllable sources such as other industrial users and trucked/hailed waste or uncontrollable sources such as the residential sector and inflow and infiltration contribute to the POTW's headworks phenols loadings?
 - ii. Pass through at a POTW is indicated when the POTW violates an NPDES Permit or causes/contributes to an exceedance of a water quality standard or other applicable standards. In addition to the including the data and calculations, the EPA recommends the ND DEQ identify the water quality or technology-based standards in the Marathon statement of basis used in the calculations to ensure the increased phenol loading does not cause or contribute to pass through at the City of Dickinson's POTW.

Thank you again for the opportunity to comment,

Al Garcia

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